

Copper Antifouling Paint Sub-Workgroup 7/14/05 Meeting Notes

In-Person Participants:

August, Mike, Dept. of Parks and Recreation
Edwards, Diane, SWRCB
Singhasemanon, Nan, DPR
Yee, Betty, RWQCB 5

Phone Participants:

Candelaria, Linda, RWQCB 8
Chavira, Ray, U.S. EPA Region IX
Dobalian, Lesley, RWQCB 9
Gonzalez, Jamie, Sea Grant Extension Program
Johnson, Leigh, Sea Grant Extension Program
Moran, Kelly, TDC Environmental

These meeting notes contain highlights of announcements, discussion topics, and pending action items. Highlighted topics are organized in a bulleted form. Pending action items are tasks that require follow up. These are denoted as “**Action Item**”. An attendance/contact information list that contains participants’ agency names, email addresses, and telephone numbers will accompany these meeting notes in a separate Excel file.

Introductions/Agenda Review:

- Ten individuals (4 in person and 6 by phone) participated in the sixth Copper Sub-Group meeting. Nan Singhasemanon (DPR) welcomed the participants and noted that he expected light attendance for this meeting because the number of vacation notices he received via email when he sent the agenda out. Nan also pointed out that the agenda is shorter than usual and expected the meeting to be adjourned by 3:00 p.m.
- Diane Edwards (SWRCB) wanted to provide a quick update on the potential funding for statewide copper monitoring. Diane said that the likelihood that the funding for the project (estimated \$120,000 for water and sediment sampling for copper) will be approved was very good. It appears that the source of the funding is federal 319-grant money. If granted, the funds will likely be distributed as an interagency agreement between the SWRCB and DPR. Nan said that he would probably be the DPR staff person putting together the project workplan. Nan also anticipated some level of assistance from the workgroup (e.g., site selection, work plan review)

Linda Candelaria (Region 8) suggested that perhaps zinc could be looked for as well. Many boats utilize sacrificial zinc anodes. Nan added that he has seen elevated zinc levels being detected on a regular basis in marina sediment samples from California Toxic Hotspot studies.

News and Developments:

- Nan briefly recapped the U.S. EPA federal reregistration discussion from the May 26th meeting. At that meeting, U.S. EPA provided a prescription of how the workgroup can best participate in SMART meetings and how it can submit copper antifouling paint (AFP) information and California monitoring data to U.S. EPA reregistration reviewers.

Nan then noted that several workgroup members (Nan, Ray Chavira, Richard Looker, and Kelly Moran) were able to join the June 7th SMART meeting via conference phone. Ray Chavira (U.S. EPA, Region IX) was instrumental in arranging the participation. Although the majority of the SMART meeting involved significant information sharing by pesticide registrants and U.S. EPA staff, it was important to show that the workgroup has significant interests in the outcome of the reregistration process and that we have California specific information that should be relevant to U.S. EPA reviewers.

Approximately 30 individuals participated on the call. The majority of them were pesticide industry representatives. EPA conducted the meeting as a series of presentations followed with brief discussion periods.

Some informational items from the SMART meeting that may be pertinent to the workgroup include:

- The expected date for the reregistration eligibility decision (RED) for cuprous oxide remains August 2006. This is the key decision that will reveal EPA risk assessment conclusions and outline any risk reduction measures required for continued registration and use.
- Registrants of copper/copper oxide pesticides do not plan to voluntarily cancel any of the current uses of their products.
- An industry-led Antifouling Copper Task Force has recently completed an environmental risk assessment for copper (combination of 5 different copper metals) in freshwater systems, which it will submit to the European Union (EU) tomorrow. This submittal is one of the requirements established by the EU Biocidal Products Directive for pesticide producers/formulators who want their product to remain active on the EU market. The same task force is also working on the marine risk assessment, which is expected to be completed some time in 2006. Current indications suggest that risk quotients for the marine environment are higher than those for freshwater systems. **Action Item:** Nan will try to acquire this document via registrant contacts.
- The Antifouling Copper Task Force has developed a bibliography of copper antifouling paint studies and a summary of copper monitoring data for European waters. These are very similar documents to what the Copper Antifouling Paint Sub-Workgroup produced. **Action Item:** Nan will try to acquire this document via registrant contacts.

Nan also mentioned that he had packaged workgroup related documents and submitted them to U.S. EPA reregistration reviewers. Workgroup members and those on the workgroup's interested parties list should have received a series of emails. Nan will submit monitoring specific data or reports to U.S. EPA. The monitoring compilation document contains summaries of California studies; however, complete data sets are more available from actual reports. These reports will be sent to U.S. EPA as either hard or electronic copies.

Ray noted that the next step for U.S. EPA is to prepare a closure memo to summarize the SMART meetings (in this case one meeting). After this formality, the agency can then begin its risk assessment process. The 6-phase public participation process for tolerance reassessment and reregistration is presented below. Ray also provided expected completion dates for certain phases. These dates are displayed in italics.

Phase 1 - Registrant "error only" review. *December 2005.*

Phase 2 – U.S. EPA considers registrants' comments.

Phase 3 - Public comment on risk assessments and risk characterization. *February 2006.*

Phase 4 – U.S. EPA revises risk assessments, develops preliminary risk reduction options. *May 2006*

Phase 5 - Public comment on risk reduction.

Phase 6 – U.S. EPA develops final risk management. *August 2006.*

Ray announced that a new U.S. EPA chemical review manager has been appointed for copper. Kathryn Jacob will be replacing Rebecca Miller very soon. Ray expressed interest in organizing

a conference call with Kathryn to articulate the workgroup's perspectives to her. Ray also noted that U.S. EPA is quite aware of the Shelter Island Yacht Basin (SIYB) total maximum daily load for copper since they are in the process of reviewing this document. It is still important, however, to draw management's attention to other California copper AFP issues outside of SIYB. Ray added that U.S. EPA reviewers would often not look up citations. Therefore, commenters should send actual copies of documents and follow up with phone calls or letters.

There is current interest in the Biotic Ligand Model (BLM). The agency plans on finalizing the use of the BLM approach by the end of 2005.

- Nan wanted to know from the workgroup's State and Regional Board members regarding any current or future plans on the CWA 303(d) impaired water bodies list. Leslie Dobalian (Region 9) noted that the 2004 list has not yet been finalized. Beginning with this listing cycle, the State Board will play a larger role in developing the final CWA section 303(d) list. In the past, the Regional Boards would compile and analyze data, and submit a recommended list of water bodies and associated impairments to the State Board for final approval. For the upcoming 2004 list, the State Board will compile and analyze data to determine which water bodies should be listed in consultation with the Regional Boards.

Region-specific updates:

- Region 9 had submitted its dissolved copper data from the eight San Diego Bay marinas that were sampled back in 2004. At one point, Region 9 considered listing the entire Bay, but decided against it since elevated copper concentrations seemed to be more marina-specific.
 - Betty Yee (Region 5) said that the State Board developed a fact sheet based on data from Region 5 plus those from the Surface Water Ambient Monitoring Program and other sources. She has yet to see the fact sheet.
 - Linda said that Region 8 is also waiting to see their fact sheet. Linda thought that there may be some delisting of water bodies and pollutants from the previous 303(d) list. Linda noted that the Newport Bay metals TMDL is actually baywide and not limited to marina areas like Region 9.
 - Kelly Moran (TDC Environmental) noted that there has not been any new relevant marina copper data generated in Region 2. Interestingly, San Francisco Bay was at one point listed for copper and then delisted. Richard Looker is the Region 2 lead for copper TMDLs and water quality attainment strategies.
- Betty reported that Region 5 has committed to performing a marina monitoring study. The Regional Board plan on collecting water and sediment samples from marinas in lakes, rivers, and those in the Sacramento/San Joaquin Delta waterways. Samples will be analyzed for pathogens, petroleum hydrocarbons, TBT, and copper. Dan Little (Region 5) is drafting up the monitoring plan for this study.
 - Linda noted that she had some discussions with the boat manufacturer New Brunswick regarding her region's concerns with copper AFPs. Linda also reported that although there has been some contracting delay, Region 8 is on track to do metals (copper, zinc, cadmium, and lead) monitoring in Lower Newport Bay and in 6-8 of the Bay's marinas. Water and sediment samples will be taken from marina, bay/channel, boatyard, and some storm drain (water only) locations. Storm drains are included since they provide input into some of the target marinas.

Nan added that DPR would like to assist Region 8 in this study by providing supplemental funding and technical assistance. Nan has been talking to Linda on whether toxicity samples can be added to the current monitoring plan. Linda is also considering the addition of TBT analysis to the study samples.

Linda said that based on a recent copper AFP boat-leaching study and the number of recreational boats in Lower Newport Bay, she believes that as much as fifty thousand pounds of copper is leached into the Bay annually. Linda also estimated that storm drain contribution to the bay is much small in magnitude.

- Region 9 recently submitted its administrative record on SIYB copper TMDL to the State Board. Lesley expected the TMDL and basin plan amendment to be brought up at a State Board hearing on either September 7th or October 5th.

The Harbor Monitoring Program for five harbors in Region 9 is on track to begin in August 2005.

- Nan reported that he has been trying to establish regular contact with staff from Region 4 on the draft Metals TMDL for Marina del Rey, which should be released very soon. Nan hopes to have Region 4 staff join an upcoming workgroup meeting to provide updates and details on the TMDL. **Action Item:** Diane said that she could check with the State Board's TMDL program for the status of this particular TMDL.
- Nan gave an update on the copper AFP re-evaluation request that the Port District of San Diego made to DPR. In early June, Nan submitted a 12-page issue memo to DPR management. The issue memo consisted of an in-depth discussion of current issues and possible courses of action. There was then a follow up meeting to discuss the content of the memo. At the end of the meeting, DPR management asked Nan to explore and analyze some additional options.

At this point, Nan is revising the issue memo to accommodate management's request. The revised issue memo will then be resubmitted to management. He anticipates that a decision on reevaluation and perhaps additional actions will be made shortly after that.

Nan also noted that DPR's Director MaryAnn Warmerdam recently met with the Port District of San Diego to discuss copper AFP issues and listen to their concerns.

- At the previous meeting Leigh Johnson (Sea Grant Extension Program) mentioned that the Department of Boating and Waterways (DBW) had interests in conducting a biological assessment study at SIYB. Nan contacted Harold Flood of DBW to track down more information on this. Both, Leigh and Harold pointed to Reinhard Flick, an oceanographer at the Scripps Institute in San Diego, as the likely contact person. Conversations with Reinhard revealed that he has had discussions with Raynor Tsuneyoshi, the Director of DBW, concerning the possibility of conducting a toxicity study at SIYB. It appeared that a few of the SIYB marina operators have been asking DBW to initiate this type of study.

Reinhard added that until the State budget passes, activities related to this potential study are limited to discussions only. Reinhard said that he would keep Nan posted on any developments.

Other Items/Next Meeting/Adjourn:

- Nan will be sending an email soliciting information on each member agency's interest and involvement on AFP issues. At a previous meeting, Leigh and other workgroup members thought that it would be useful to have some sort of a "roster" to work with.
- The next Copper Sub-Group meeting is Thursday, September 8, 2005.

Meeting Notes Prepared by: Nan Singhasemanon (DPR) with notetaking assistance from Betty Yee (Region 5). Thanks, Betty!